



P/3610-17

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Patrice DUVERT, et al.

Date: October 10, 2001

Serial No.: 09/913,416

Group Art Unit: --

Filed: August 13, 2001

Examiner: --

For: FUNGICIDE COMPOSITIONS FOR PROTECTING FRUITS

Asst. Commissioner for Patents
Washington, D.C. 20231

SECOND PRELIMINARY AMENDMENT

Prior to examination, please amend the application as follows.

FEE CALCULATION

No additional fee is required. However, if a fee is needed or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge the underpayment to Deposit Account No. 15-0700.

CONTINGENT EXTENSION REQUEST

If this communication is filed after the shortened statutory time period had elapsed and no separate Petition is enclosed, the Commissioner of Patents and Trademarks is petitioned, under 37 C.F.R. § 1.136(a), to extend the time for filing a response to the outstanding Office Action by the number of months which will avoid abandonment under 37 C.F.R. § 1.135. The fee under 37 C.F.R. § 1.17 should be charged to our Deposit Account No. 15-0700.

AMENDMENTS

Claims:

Please cancel claim 21 without prejudice.

Please amend claims 2, 3, 7, 8, 10, 12, 14-18, 24 and 25 and add new claim 26 pursuant to 37 C.F.R. § 1.121(c)(i) as set forth in the “clean” version attached hereto as Appendix A. Entry is respectfully requested. A version with markings to show the changes made pursuant to 37 C.F.R. § 1.121(c)(ii) is attached hereto as Appendix B.

REMARKS/ARGUMENT

The amendments made herein were intended to "Americanize" the claims and place them into appropriate condition for consideration and allowance.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Asst. Commissioner for Patents, Washington, D.C. 20231 on October 10, 2001:

Edward A. Meilman

Name of Person Mailing Correspondence

Edward A. Meilman

Signature

October 10, 2001

Date of Signature

Respectfully submitted,

Edward A. Meilman

Edward A. Meilman

Registration No.: 24,735

OSTROLENK, FABER, GERB & SOFFEN, LLP

1180 Avenue of the Americas

New York, New York 10036-8403

Telephone: (212) 382-0700

EAM:dmk:mgs